

**To:** Acting Administrator[62Perciasepe.Bob73@epa.gov]  
**Cc:** Mccarthy, Gina[McCarthy.Gina@epa.gov]  
**From:** Goffman, Joseph  
**Sent:** Mon 4/29/2013 11:43:03 PM  
**Subject:** Signature Item for April 30 -- Coal Mine NSPS Petition Denial

Bob – This is just a heads-up so that you are fully aware. Making its way through the OEX is a letter for your signature tomorrow rejecting a petition to list coal mines as NSPS sources. The folder provides all the basic info and background, but Gina points out that the text of the letter may be a bit unusual to the extent that it includes a pretty explicit discussion of OAR's budget and resource limitations, especially relative to our various Clean Air Act obligations and commitments. The key text is pasted in at the end of this message.

The rationale for including such an explicit discussion is that we are denying the petition on so-called "procedural", as opposed to substantive, grounds: rather than suggesting that we have a view on the merits of listing coal mines and regulating coal mine methane, particulate matter and NOx emissions, we are saying that given our budget constraints and our determination to focus first on the largest sources of GHG emissions, coal mines and their emissions are not among our priorities at this time. This is an entirely sound approach, but, again, to support it we are going further than we usually do in highlighting the gory details of our budget situation.

Here's the relevant text.

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Joseph Goffman

Senior Counsel to the Assistant Administrator

Office of Air and Radiation

US EPA

202 564 3201

**To:** Goffman, Joseph[Goffman.Joseph@epa.gov]  
**Cc:** Mccarthy, Gina[McCarthy.Gina@epa.gov]  
**From:** Acting Administrator  
**Sent:** Tue 4/30/2013 1:33:26 AM  
**Subject:** Re: Signature Item for April 30 -- Coal Mine NSPS Petition Denial

Thanks team !!

Bob

Acting Administrator.

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202 564 4711 (o)

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**From:** Goffman, Joseph  
**Sent:** Monday, April 29, 2013 7:43:03 PM  
**To:** Acting Administrator  
**Cc:** Mccarthy, Gina  
**Subject:** Signature Item for April 30 -- Coal Mine NSPS Petition Denial

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